

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**



AIR FORCE INSTRUCTION 51-401

19 JULY 1994

**UNITED STATES AIR FORCES IN EUROPE
Supplement 1**

1 APRIL 2005

Law

**TRAINING AND REPORTING TO ENSURE
COMPLIANCE WITH THE LAW OF ARMED
CONFLICT**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

NOTICE: This publication is available digitally on the AFDPO WWW site at:
<http://www.e-publishing.af.mil>

OPR: HQ USAF/JAI (Maj Odell Grooms)

Certified by: Col Phillip A. Johnson

Pages: 8

Distribution: F

(USAFE)

OPR: HQ AFEUR/JA (TSgt Robert J. Douglas)

Certified by: HQ USAFE/JAI

(Col Stephen R. Irwin)

Pages: 3

Distribution: F

This instruction implements AFD 51-4, *Compliance With the Law of Armed Conflict* (LOAC); Department of Defense (DoD) Instruction 5500.15; and DoD Directive 5100.77, by providing guidance for training on LOAC. It prescribes and assigns responsibilities for LOAC training programs. It also establishes reporting and investigating procedures for alleged LOAC violations.

(USAFE) AFI 51-401, dated 19 July 1994 is supplemented as follows. This supplement establishes major command (MAJCOM) specific training and reporting timelines. Implements Chief of Staff of the Air force (CSAF) policy on restructured reporting of ancillary training. It also institutes mandatory interim reporting period. It applies to all United States Air Forces in Europe (USAFE) units involved in this type of Training and Reporting. It does not apply to Air Force Reserve Command (AFRC) or Air National Guard (ANG) units. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 37-123, *Management of Records* and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at:

<https://webrims.amc.af.mil>

SUMMARY OF REVISIONS

This issuance aligns the instruction with AFPD 51-4. It requires major command staff judge advocates to make annual reports of LOAC training to Headquarters U.S. Air Force, International and Operations Law Division (HQ USAF/JAI). It replaces former Air Force Regulation 110-32.

1. Compliance with Policy Directive.

1.1. Air Force personnel will comply with LOAC in the conduct of military operations and related activities in armed conflict, regardless of how such conflicts are characterized. In support of such policy, the Air Force will conduct training programs designed to prevent violations of the law of armed conflict.

1.2. In appropriate publications, instructions and training programs, the Air Force will ensure that all Air Force personnel know the principles and rules of LOAC; the extent of their knowledge will be commensurate with their duties and responsibilities. This program will include training required by the 1949 Geneva Conventions for the Protection of War Victims and Hague Convention IV of 1907.

1.3. Promptly report and investigate violations of LOAC alleged to have been committed by or against Air Force members, including persons accompanying or serving with the Air Force, and take appropriate action.

1.4. Report violations alleged to have been committed by or against members of other military departments, including all persons accompanying or serving with those forces, to the appropriate authorities of that department.

1.5. AFPD 51-4 defines terms used in this instruction.

2. Functional Responsibilities. This instruction establishes the following responsibilities and authorities.

2.1. The Judge Advocate General (HQ USAF/JA) will:

2.1.1. Serve as the HQ USAF office of primary responsibility (OPR) to ensure effective implementation of DoD LOAC programs within the Air Force.

2.1.2. Prepare publications, including pamphlets, training guides, videotapes and films, to adequately inform Air Force personnel of their rights and obligations under LOAC.

2.1.3. Furnish these materials to major commands, to enable them to fulfill their LOAC responsibilities.

2.1.4. Advise commands on plans for training of personnel which will provide a level of LOAC knowledge commensurate with their duties and responsibilities.

2.1.5. Provide comprehensive advice on requirements and content of LOAC.

2.1.6. Ensure that all judge advocates are advised periodically of the content and requirements of LOAC.

- 2.1.7. Ensure all alleged violations of LOAC are fully investigated and processed, when appropriate, through the military justice system and pursuant to the requirements of the Uniform Code of Military Justice.
- 2.1.8. Serve as the central collection point within the Air Force for all reports of incidents involving alleged LOAC violations.
- 2.1.9. Receive reports and make recommendations regarding alleged LOAC violations against USAF personnel.
- 2.1.10. Coordinate plans and policies with the Department of the Army (DoD Executive Agent) for the investigation, collection, recording and reporting of information relating to LOAC violations allegedly committed by US allies or by the enemy.
- 2.1.11. Periodically review and evaluate Air Force activities to ensure that effective programs are maintained to prevent LOAC violations, including the review of such programs in connection with any reported violation.
- 2.2. The Deputy Chief of Staff, Personnel (HQ USAF/DP) will:
 - 2.2.1. Ensure that adequate education, instructions and training in the law of armed conflict are included in all individual training and education programs of a general military nature.
 - 2.2.2. Review personnel plans, policies and procedures to ensure appropriate emphasis is given to LOAC.
- 2.3. The Deputy Chief of Staff, Plans and Operations (HQ USAF/XO) will:
 - 2.3.1. Ensure that plans, policies, procedures and operations under its responsibility are consistent with, and adequately adhere to, the legal obligations of the US to follow LOAC.
 - 2.3.2. Ensure that implementation of this training program satisfies operational requirements.
 - 2.3.3. Ensure that operational unit training standards are issued which specifically explain the requirements of LOAC.
- 2.4. The Air Force Inspector General (SAF/IG) will:
 - 2.4.1. Inspect all activities to ensure that USAF personnel are adequately trained in requirements of LOAC, that Air Force plans include requirements of the law, and that Air Force operations are carried out consistent therewith.
 - 2.4.2. Promulgate policies and procedures to ensure appropriate investigation of incidents involving alleged violations of LOAC, committed by or against members of the Air Force or persons accompanying or serving with the Air Force.
 - 2.4.2.1. The Air Force Office of Special Investigations (AFOSI) will spot report all incidents involving violations of LOAC, using the most expeditious means available, to the installation commander and servicing staff judge advocate.
 - 2.4.3. Develop policies and procedures for categorizing, processing, and analyzing incidents which involve alleged LOAC violations.
 - 2.4.3.1. AFOSI will investigate all confirmed violations of LOAC under case category 55, *Combat Inquiries*.

2.5. The Surgeon General (HQ USAF/SG) will:

2.5.1. Develop plans, policies, and procedures to ensure that requirements of LOAC, as they relate to medical service personnel, are observed.

2.5.2. Supervise the individual training of medical service personnel to ensure adequate specialized training and instruction of such personnel in requirements of this area of LOAC.

2.6. The Chief of Security Police (HQ USAF/SP) will:

2.6.1. Develop plans, policies and procedures to ensure that all Air Force Security Police wartime activities are consistent with requirements of LOAC.

2.6.2. Review individual training of Air Force Security Police personnel to ensure adequate specialized training and instruction of such personnel on the requirements of this area of LOAC.

2.6.3. Assist in promulgating plans, policies and procedures to ensure incidents involving alleged violations of LOAC, committed by or against members of the Air Force or persons accompanying or serving with the Air Force, are investigated.

2.7. All other HQ USAF offices will ensure that all plans, policies, procedures and operations within their area of responsibility are consistent with the international legal obligations of the US under LOAC.

2.8. Air Education and Training Command (AETC) will:

2.8.1. Develop training plans, policies, and procedures to instruct and train new Air Force members in the content and requirements of LOAC. The amount and content of specialized training and instruction shall be commensurate with each individual's projected duties and responsibilities. For example, relevant specialized training should be specifically designed for personnel directly connected with combat operations, such as air crew members, security police, and those connected with target selection and evaluation.

2.8.2. Supervise instruction and training in LOAC for personnel assigned for airman basic training, officer military training and initial training for direct appointment officers, as well as for officers and airmen receiving technical instruction and training.

2.8.3. Develop and supervise plans, policies, and procedures to teach LOAC to Air Force Reserve forces and Air National Guard elements in AETC training programs.

2.9. The USAF Academy will develop plans, policies, and procedures to provide instruction to all cadets on the content and requirements of LOAC as part of their basic educational and training requirements.

2.9.1. All course instruction will be consistent with LOAC, as well as other legal obligations of the United States.

2.9.2. To implement DoD Law of War Program objectives, discuss LOAC in academic courses and in military training, whenever it is relevant and appropriate.

2.10. Air University (AU) will:

2.10.1. Develop plans, policies, and procedures to include adequate general education and instruction in the content and requirements of LOAC in military education and training programs Air University administers. Their content will be commensurate with each individual's projected

duties and responsibilities. The Air Force Judge Advocate General School has primary responsibility for instruction of LOAC and related topics (e.g., the legal aspects of rules of engagement) and develops, in coordination with the other academic institutions of Air University, instructional lesson plans and teaching materials to carry out this responsibility.

2.10.2. Devote greater amounts of time and furnish more advanced education in the subject in more senior programs, such as Air War College and Air Command and Staff College.

2.10.3. Include instruction on LOAC in Air War College, Air Command and Staff College, Squadron Officer School, Reserve Officer Training Corps, and Senior Noncommissioned Officer Academy curricula to ensure adequate knowledge of the subject commensurate with the nature of each enrollee's duties and responsibilities.

2.10.4. Supervise that LOAC instruction for which it is responsible to ensure that it is current and fulfills DoD Law of War Program objectives.

2.10.5. Develop plans, policies, and procedures for LOAC training of Air Force Reserve and Air National Guard members in AU training.

2.11. All other MAJCOMs and FOAs will:

2.11.1. Ensure that plans, policies, procedures and operations within their areas of responsibility are consistent with international legal obligations under LOAC.

2.11.2. Supervise individual training of assigned Air Force members to ensure general and specialized instruction and training on LOAC is commensurate with each individual's projected duties and responsibilities.

2.11.3. Supervise individual training of attached Air Force Reserve and Air National Guard elements to ensure adequate training and instruction in LOAC.

3. LOAC Training Programs.

3.1. Annually, all commanders will ensure that assigned personnel are trained in the principles and rules of LOAC. At a minimum, training will include subjects required by the 1949 Geneva Conventions for the Protection of War Victims and the Hague Convention IV respecting the Laws and Customs of War on Land of 1907. A judge advocate should review all command plans, policies, procedures, and operations in the coordination process to determine that they meet current US legal obligations under LOAC.

3.1.1. **(Added-USAFE)** In accordance with CSAF policy, training on the Law of Armed Conflict will be conducted every 15-months. In addition, training will be delivered just prior to deployment, regardless of whether a member has already received training within the current 15-month period. Optimally, members should receive training during the 2-month training period just prior to the deployment window (Air Expeditionary Force (AEF) Pair) to which an individual is assigned.

3.1.2. **(Added-USAFE)** Judge Advocates will advise and assist commanders in the delivery of training. Training is available by two delivery mechanisms. Members may receive training online with a locally approved CBT module or commanders may coordinate with servicing legal functions to deliver training in standard briefing format. All USAFE installations may direct individual training via the USAFE Training Web Site at https://wwwmil.usafe.af.mil/usafe_training/.

3.1.2.1. **(Added-USAFE)** Senior judge advocates at base level legal offices will supervise the conduct of Law of Armed Conflict (LOAC) briefings. Staff Judge Advocate (SJA) may authorize enlisted paralegal craftsmen (7-skill level) with adequate training and experience to deliver training. Before allowing paralegals to train base personnel, SJAs should consult with law office managers on the ability of a particular paralegal to deliver training. Areas to consider are rank of the individual, paralegal experience, specialized legal training, and current duty position.

3.2. Each MAJCOM's legal office will track the number and the percentage of people assigned who were trained in LOAC during the calendar year and send this data to HQ USAF/JAI by the first of February each year. RCS: HAF-JAI(A)9231. Discontinue reporting during emergency and MINIMIZE conditions.

3.2.1. **(Added-USAFE)** Legal offices will report training progress using the JAG Unified Automated Reporting system (JAGUARS) on-line LOAC training reporting database at https://aflsa.jag.af.mil/flite/training/jaguar/loac/loac_home.php for all personnel for which they are responsible. To comply with United States European Command (USEUCOM) reporting requirements, interim reporting will be made no later than the last duty day of the month during the months of February, May, August, and November. Reports must be made final not later than 14 days prior to the end of the 15-month reporting period.

3.3. **(Added-USAFE)** In accordance with DoDD 5100.77, *DoD Law of War Program*, training will be “so that the principles of the law of war will be known to members, the extent of such knowledge to be commensurate with each individual’s duties and responsibilities”. As such, USAFE legal functions will devise training plans that enhance the operational effectiveness of specialized functional areas where standard briefings may not fully satisfy this requirement. Functional areas to consider are: Security Force; Medical Services; Combat Controllers; and Chaplain Services.

3.4. **(Added-USAFE)** In accordance with EUCOM Directive 45-1, and to the maximum extent possible, senior judge advocates and base exercise evaluation teams will incorporate law of war violations/ scenarios to evaluate exercise participants’ knowledge of the law and the effectiveness of training. Staff Judge Advocates will review after action reports of base level exercises to determine deficiencies and take corrective action where needed.

4. Reports on Alleged Violations of the Law of Armed Conflict. Air Force members who have direct knowledge of or receive a report of an apparent violation of LOAC must make the incident known to their immediate commander. If the facts and circumstances indicate that the immediate commander is involved in the violation, report to the next higher command authority. This includes violations alleged to have been committed by or against members of, or persons accompanying or serving with, the US Armed Forces, and violations alleged to have been committed by or against allies of the United States.

5. Investigations of Alleged LOAC Violations.

5.1. **Individual Responsibilities.** Personnel who, in the course of their duties, uncover information that a possible LOAC violation has occurred will immediately report that information to their commander.

5.1.1. Personnel with information or evidence concerning a LOAC violation will take all prudent steps to safeguard that information and/or evidence. Limit the dissemination of information only

to those with a need to know; e.g., the responsible commander, the staff judge advocate, and/or the local AFOSI detachment. Additionally, personnel will, when applicable, (a) preserve physical evidence through limiting access to evidentiary materials and crime scenes, (b) draw detailed sketches or take photographs documenting the circumstances of the incident, (c) collect any applicable descriptive notes, and (d) identify all possible witnesses and victims for later interview by investigators and legal personnel.

5.1.2. They must safeguard evidence and surrender it to the agency that investigates the alleged violation.

5.2. **Commanders and Staff Agencies.** Each commander and staff agency that receives a report of noncompliance with or breach of LOAC will report the facts promptly to the appropriate staff judge advocate and will make relevant information or evidence available to the appropriate investigating agency.

5.3. The Staff judge advocate will:

5.3.1. Notify the appropriate investigating agency of the receipt of a report of an alleged violation.

5.3.2. Assist and advise investigators.

5.3.3. Review completed investigation summaries and reports.

5.3.4. Develop and provide recommendations to the commander on the use of the evidence, and on the disposition of the report of investigation.

5.3.5. Forward the initial report of investigation directly to The Judge Advocate General. Subsequent reports to The Judge Advocate General of an alleged violation will include, but not be limited to:

- The incident report;
- Report of investigation;
- Summary of investigation and report on disposition of the case, including any disciplinary actions taken against LOAC violators. The report must include any recommendations for corrective action that should be undertaken at HQ USAF level or above.

5.4. **Investigating Agency.** Upon notification of the alleged LOAC violation, the investigating agency will also coordinate its investigative efforts with affected command and legal officials.

NOLAN SKLUTE, Maj General, USAF
The Judge Advocate General

(USAFE)

JAMES R. WISE, Colonel, USAF
Staff Judge Advocate

Attachment 1 (Added-USAFE)**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

DoDD 5100.77, *DoD Law of War Program*

EUCOM Directive 45-1, *Law of War Program*

Abbreviations and Acronyms

AEF—Air Expeditionary Force

CSAF—Chief of Staff of the Air Force

LOAC—Law of Armed Conflict

USAFE—United States Air Forces in Europe